



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,235	12/20/2000	Akito Nishimura	14998-255	1247

7590

05/17/2002

Ira J Schaefer
Chadbourne & Parke
30 Rockefeller Plaza
New York, NY 10112

EXAMINER

NASRI, JAVAID H

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 05/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,235

Applicant(s)

NISHIMURA ET AL.

Examiner

Javaid Nasri

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-14 in Paper No. 7 is acknowledged.

Examiner prefers to keep the election.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

Note: In the declaration the PCT/JP00/02582 is mentioned instead of the serial number of this application.

Claim Objections

3. Claims 2-10 are objected to because of the following informalities:
 - a) In claim 2, line 5, change "22" to -- 23c --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2839

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
- b) In claim 1, no proper structural relation between the ferrule and the concaved portion is mentioned.
- c) In claim 2, line 3, it is not clear "end face" of what?
- d) In claim 2, line 5, it is not clear "positioning" with respect to what?
- e) Claim 3 recites the limitation "the outside" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- f) Claim 8 recites the limitation "the whole length" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- g) Claim 13 recites the limitation "the flange portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1, 2, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunin et al.

Bunin et al discloses an optical ferrule (50), a concave portion (see marked figure 4, attached), in which a gate (22) in resin molding is disposed is formed in a body, an optical fiber insertion opening portion, an optical fiber insertion hole opened in a connector connecting end (56), a guide pin hole for inserting a guide pin (60, 88, see col. 6, lines 5-8), the guide pin positioning the ferrule body, the concave portion is formed at a portion other than the flange portion (see marked figure 4, attached),

9. Claims 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagi et al. Yanagi et al discloses (see figure 23), a concave portion (107) related to a material of a ferrule body (101) and confirmation factors such as sorts of an optical fiber built in the ferrule body is formed, the concave portion is formed in a flange portion (106) of the ferrule body and a gate (108) in resin molding is disposed in the concave portion, the concave portion is formed at a portion other than the flange portion (105).

Art Unit: 2839

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al in view of Miller.

Edwards et al discloses an optical ferrule (1, 16), a concave portion (see marked figure 2, attached), an optical fiber insertion opening portion, an optical fiber insertion hole opened in a connector connecting end, a guide pin hole (20) for inserting a guide pin (19), the guide pin positioning the ferrule body, a flange portion (see marked figure 2, attached) protruding from an external periphery surface of the ferrule body provided in a rear end portion opposed to the connector connecting end face, the concave portion is formed in an external surface of the flange portion, the concave portion is formed in each of right and left side surfaces of the external periphery surface of the flange portion, the concave portion is formed so as to extend from the side surface to a rear end corner portion, the concave portion is formed between both corner portions of the side surface (see marked figure 2, attached), the concave portion is formed in a groove shape extending over the whole length of the flange portion in a connector connecting direction,

However, Edwards et al does not disclose:

- a) a gate in resin molding. Miller discloses a mold gate (42), therefore, it would have been obvious to one of ordinary skill in the art, at the time of

Art Unit: 2839

the invention to modify Edwards et al so that a gate in resin molding is formed in view of Miller to have facility to inject molding material.

- b) the flange portion has a rectangular shape viewed when viewed from the rear end portion toward the connecting end face and 0.3mm or more. It would have been an obvious matter of design choice to , since such a modification would have involved a mere change in the size or shape of a component. A change in size or shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Contact

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 703 308 5876. The examiner can normally be reached on Monday to Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703 308 3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

Application/Control Number: 09/720,235

Page 7

Art Unit: 2839


Javaid Nasri
Examiner
Art Unit 2839

JN

jhn

May 15, 2002

